

**REMARKS**

In the non-final Office Action, the Examiner rejects claims 1, 4-5, 7-10, and 16-19 under 35 U.S.C. § 103(a) as allegedly unpatentable over MATSUMOTO (U.S. Patent Application Publication No. 2003/0026346) in view of HOCEVAR (U.S. Patent Application Publication No. 2004/0148560); rejects claims 4 and 5 under 35 U.S.C. § 103(a) as allegedly unpatentable over MATSUMOTO in view of HOCEVAR, and further in view of POGGIOLINI (U.S. Patent No. 6,621,617); and objects to claims 2-3, 6, 11-15, and 20 as allowable if rewritten into independent form.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 2, 3, 6, 11-15 and 20 would be allowable if rewritten into independent form.

While not conceding the propriety of the rejection of pending claims 1, 4-5, 7-10, and 16, but merely to further prosecution, Applicants amend the claims as follows:

By way of the present amendment, Applicants amend claims 1-10, 12-16 and 18 to improve form and cancel claims 11 and 17-20 without prejudice or disclaimer. No new matter has been added by way of the present amendment. Claims 1-10 and 12-16 are pending.

Applicants amend independent claim 1 to incorporate features that are

either the same or similar to those found in allowable claim 2. Accordingly, amended claim 1 is now allowable over the art of record.

Applicants amend independent claim 8 to incorporate features that are either the same or similar to those found in allowable claim 11. Accordingly, amended claim 8 is now allowable over the art of record.

Applicants amend independent claim 16 to incorporate features that are either the same or similar to those found in allowable claim 20. Accordingly, amended claim 16 is now allowable over the art of record.

**Rejection under 35 U.S.C. § 103(a) based on MATSUMOTO and  
HOCEVAR**

Pending claims 1, 7-10, and 16 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over MATSUMOTO and HOCEVAR. Applicants respectfully traverse this rejection.

As indicated above, Applicants amend claim 1 to recite features that are either the same or similar to those found in allowable claim 2. Thus, claim 1 is in condition for immediate allowance.

Claim 7 depends from claim 1. Therefore, these claims are in condition for immediate allowance for at least the reasons given above with respect to claim 1.

As indicated above, Applicants amend Claim 8 to recite features that are either the same or similar to those found in allowable claim 11. Thus,

claim 8 is in condition for immediate allowance.

Claims 9, 10 and 12-15 depend from claim 8. Therefore, these claims are in condition for immediate allowance for at least the reasons given above with respect to claim 8.

As indicated above, Applicants amend claim 16 to recite features that are either the same or similar to those found in allowable claim 20. Thus, claim 16 is in condition for immediate allowance.

**Rejection under 35 U.S.C. § 103(a) based on MATSUMOTO and  
HOCEVAR and POGGIOLINI**

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over MATSUMOTO, HOCEVAR and POGGIOLINI . Applicants respectfully traverse this rejection.

Claims 4 and 5 depend from claim 1. While not acquiescing in the rejection of claims 4 and 5, Applicants submit that the disclosure of POGGIOLINI does not remedy the deficiencies in the disclosures of MATSUMOTO and HOCEVAR. Therefore, these claims are in condition for immediate allowance for at least the reasons given above with respect to claim 1.

### **Conclusion**

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & HARRITY, LLP

By: /Michael S. Brooke, Reg. No. 41,641/  
Michael S. Brooke  
Registration No. 41,641

Date: December 16, 2008

11240 Random Hills Road  
Suite 600  
Fairfax, Virginia 22030  
(571) 432-0800

Customer Number: 45114